

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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LAMONT WALKER,

v.

ORDER  
09-CV-845

SUSANNA MATTINGLY, et al.,

Defendants.

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This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(A). Plaintiff filed a motion for a temporary restraining order and preliminary injunction seeking, *inter alia*, immediate release from custody. On December 22, 2009, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that plaintiff's request for a temporary restraining order be denied and directing defendants to file and serve a response to plaintiff's affidavit and memorandum of law in support of his request for a preliminary injunction within 25 days of entry of the Order.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, plaintiff's

request for a temporary restraining order is denied. This case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: January 20 , 2010